

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL G. CHALFON

CIVIL ACTION

v.

U.S. ELECTRODES, ET AL.

NO. 10-2929

ORDER

AND NOW, this 28th day of December, 2010, upon consideration of the Motion to Dismiss filed by Defendants U.S. Electrodes, Centerline (Windsor) Limited (“CenterLine”), and David M. Beneteau (Docket No. 8), Plaintiff’s opposition thereto, and Defendants’ reply, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motion is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The Motion is **GRANTED** insofar as it seeks dismissal of Plaintiff’s ADA, ADEA and PHRA claims against CenterLine, the ADEA claim against U.S. Electrodes, and Plaintiff’s breach of contract claim, and those claims are **DISMISSED**.
2. Plaintiff’s FMLA claims and his demand for punitive damages under ERISA are **DISMISSED** by consent of the parties.
3. Defendants’ Motion is **DENIED** in all other respects.
4. Plaintiff may file a second amended complaint on or before January 18, 2011, curing

the deficiencies in his ADEA claim against U.S. Electrodes, as well as the deficiencies in his ADEA, ADA, and PHRA claims against CenterLine that are based on his layoff in January 2009, and U.S. Electrodes's failure to rehire him.¹

BY THE COURT:

/s/ John R. Padova, J.

John R. Padova, J.

¹Plaintiff may not reassert his ADEA, ADA and PHRA claims against CenterLine insofar as those claims are based on CenterLine's failure to offer Plaintiff a job in Canada.